

Application Serial No. 10/763,657  
Reply to Office Action of June 29, 2009

PATENT  
Docket: CU-6001

### REMARKS

In the Office Action, dated June 29, 2009, the Examiner states that Claims 1-14 are pending, Claims 1, 7, 9, 11 and 13 are rejected, Claims 2 and 5 are objected to, and Claims 3, 4, 6, 8, 10, 12 and 14 are allowed. By the present Amendment, Applicant amends the claims.

#### Rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a)

Claims 1, 7, 9 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by Miyaguchi (US 5,953,585). Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Miyaguchi.

At the outset, Applicant indicates that independent Claims 1 and 3 are currently amended to recite the feature of a sidewall portion. The Office Action commented that the previous term recited in the claim, "end part," did not necessarily mean a sidewall portion. Also, new Claim 15 has been added.

Support for Claim 15 can be found, for example, on page 50, lines 9-17 of the specification.

Support for the term "sidewall portion" can be found, for example, in FIGS. 1A to 1N and FIGS. 2A to 2O. For example, as shown in FIGS. 1A to 1M, the protecting layer 4 is formed so as not to bare the first light emitting part 2 and its sidewall portion. As shown in FIGS. 1H to 1M, the protecting layer 8 is formed so as not to bare the second light emitting part 5' and its sidewall portion. As shown in FIGS. 2A to 2F, the protecting layer 3 is formed so as not to bare the first light emitting part 2 and its sidewall portion. Further, as shown in FIGS. 2I to 2N, the protecting layer 8 is formed so as not to bare the first light emitting part 2 and its sidewall portion, and the protecting layer 8 is formed so as not to also bare the second light emitting part 5' and its sidewall portion.

In embodiments of the present invention, the protecting layer is exposed and developed. In contrast, the protective material is etched in Miyaguchi (see the claims, column 3, lines 37-39). Thus, Applicant respectfully asserts that the presently claimed invention is distinguished from Miyaguchi in the patterning method of the protecting layer.

Further, Miyaguchi merely discloses SiN<sub>x</sub> as a material of the protecting layer (column 3, line 15). Applicant respectfully asserts that one of ordinary skill in the art would readily understand that SiN<sub>x</sub> is not a material capable of being exposed and

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developed.

Moreover, in Miyaguchi, the protective material is to prevent the alkaline liquid from damaging other members such as the cathodic material and the light emitting material, and is not corroded by the alkaline development liquid (see the claims, column 3, lines 25-26). Thus, in Miyaguchi, Applicant respectfully asserts that it is impossible to form the protective material using the photoresist as described in Examples of the specification of the present application.

Further, in the present invention, the protecting layer is formed so as not to bare the light emitting part and its sidewall portion. On the other hand, in Miyaguchi, the anodic material, light emitting material, cathodic material, and the protective material are successively formed on the substrate; the resist is formed on the protective material and patterned, and the anodic material, light emitting material, cathodic material, and protective material are etched in accordance with the resist pattern (claims, FIGS. 1A to 1J). Therefore, the light emitting material and the protective material have the same pattern, and it becomes impossible to form the protective material so as not to bare the light emitting material and its sidewall portion. Therefore, the present invention is distinguished from Miyaguchi in terms of the structural or positional relationship of the protective layer.

Moreover, in Miyaguchi, since the anodic material, light emitting material, cathodic material, and protective material are etched in accordance with the resist pattern, the light emitting material and protective material inevitably will have the same pattern.

In view of the structural differences and the features recited in the present set of claims that are not taught or suggested in Miyaguchi, Applicant respectfully asserts that the currently pending claims are not anticipated by, or obvious over, this reference. Accordingly, Applicant respectfully requests withdrawal of the present rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a).

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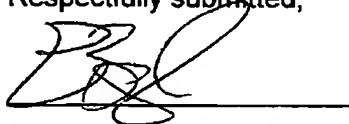
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In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

December 29, 2009

Date

Respectfully submitted,



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